IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANDERS TRONSEN,	*	Case No. 3:08-CV-148
Plaintiff	*	JUDGE CARR
	*	
vs.	*	**DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S BRIEF SUPPORTING PERMANENT INJUNCTION**
	*	
TOLEDO-LUCAS COUNTY PUBLIC LIBRARY	*	
Defendants	*	

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Counsel for Defendant

On January 17, 2008, the plaintiff filed a pro se complaint alleging a violation of the First Amendment rights of free speech and expression. The plaintiff also seeks a temporary restraining order allowing him access to the public library during the pendency of this action.

While not entirely clear, the plaintiff appeared to claim that his removal from the Library and subsequent temporary revocation of his library privileges violated his constitutional rights. He does **NOT** allege a due process or equal protection violation. Rather, he appears to assert that the defendant's adoption of such a policy violates the First Amendment.

On January 22, 2008, this Court denied the plaintiff's motion for a temporary restraining order. The Court granted plaintiff until February 15, 2008 to submit a brief in support of the motion for a preliminary injunction. The defendant was grant leave to file a dispositive motion on or before February 29, 2008.

The plaintiff failed to file a brief by the deadline set by this Court. The defendant filed a motion for summary judgment on February 26, 2008. The plaintiff filed, on February 28, 2008, a brief in support of permanent injunction.

The defendant moves that the plaintiff's brief be stricken, since he failed to comply with the Court's scheduling Order. Alternatively, the defendant requests that the Court deem the plaintiff's brief to be a memorandum in opposition to the motion for summary judgment and that the defendant be granted until March 19, 2008 to file its Reply Brief.

Respectfully submitted

JULIA R. BATES
LUCAS COUNTY PROSECUTING ATTORNEY

By: /s/ John A. Borell
John A. Borell
Karlene D. Henderson
Assistant Prosecuting Attorneys
Counsel for Defendant

CERTIFICATION

A copy of the foregoing Memorandum in Opposition was sent by email and ordinary U.S. Mail to the plaintiff on the 5th day of March 2008.

/s/ John A. Borell
John A. Borell
Assistant Prosecuting Attorney
Counsel for Defendant